IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2980 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

M/S. C S HOTELS PRIVATE LIMITED (HOTEL KARNAVATI)

Versus

ASSISTANT PROVIDENT FUND COMMISSIONER

Appearance:

MR JD AJMERA for Petitioners

MR BT RAO for Respondent no.1.

CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 30/04/2001

ORAL JUDGEMENT

#. Shri BT Rao has been supplied copy of petition in advance. He appears for the respondent no.1. Learned counsel for the petitioner Shri JD Ajmera and Shri BT Rao, learned counsel for the respondent no.1 have been heard on admission of this petition.

#. The grievance of the petitioner is that the impugned orders Annexures-'C' and 'E' were passed by the authorities without affording opportunity of hearing and are in the nature of ex-parte order.

#. Annexure-'C' is dated 24-11-2000. It shows that show-cause notice under sec.7A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 was issued. The petitioners filed reply to the show-cause notice, but for some reasons, they could not remain present, hence, the authority thought it proper not to adjourn the case any further and passed the impugned order. The matter was taken in review, which was also rejected without giving an opportunity of hearing to the petitioners vide Annexure-'E' dated 11-1-2001.

#. It seems to be in the interest of justice that fresh orders be passed by the authorities after affording an opportunity of hearing to the petitioners.

#. The petition, therefore, succeeds and is hereby allowed. The impugned orders Annexures-'C' and 'E' are hereby quashed and set aside. The petitioners' counsel informs that objection to the show-cause notice under sec.7A of the Act has already been filed and the petitioners desire to file further objections with supporting material that they are not under any obligation to pay any amount. As such, the petitioners shall approach the respondent no.1 and shall file further representation with supporting material disclosing their case before the respondent no.1. The respondent no.1 shall, thereafter, hear the petitioners and dispose of their objections within a period of four weeks after the presentation of further representation and additional material by the petitioners. The order shall be passed in accordance with law. The petition is, thus, finally disposed of with no order as to cost.

April 30, 2001. [D.C. Srivastava, J.]

/sakkaf